



11-03-04

IFW

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ED 277037135 US, in an envelope addressed to: Filing Receipt Corrections, Office of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 2, 2004Signature: Linda Blake

(Linda Blake)

Docket No.: DU-P02-002
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Mike West

Confirmation No.: 2470

Application No.: 10/692002

Art Unit: 1644

Filed: October 24, 2003

Examiner: Not Yet Assigned

For: BINARY PREDICTION TREE MODELING
WITH MANY PREDICTORS AND ITS USES
IN CLINICAL AND GENOMIC
APPLICATIONS

November 2, 2004

REQUEST FOR CORRECTED FILING RECEIPT

Filing Receipt Corrections
Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicant, a copy of which is attached hereto showing the requested changes, has an error in the priority data as claimed by applicant wherein the filing date of application serial nos. 60/458,373 and 60/457,887 are incorrect. The correct filing dates are March 23, 2003 for 60/458,373 and March 27, 2003 for 60/457,887. Applicant requests that the filing receipt be corrected to indicate the correct filing date as indicated on the enclosed copy of the filing receipt.

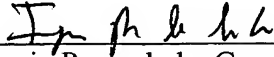
Enclosed please find a copy of the Declaration filed on August 25, 2004 which indicates the correct priority and filing dates.

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. DU-P02-002 from which the undersigned is authorized to draw.

Dated: November 2, 2004

Respectfully submitted,

By 

Ignacio Pérez de la Cruz

Registration No.: 55,535

ROPES & GRAY LLP

45 Rockefeller Plaza

New York, New York 10111-0087

(212) 497-3613

(212) 497-3650 (Fax)

Attorneys/Agents For Applicant

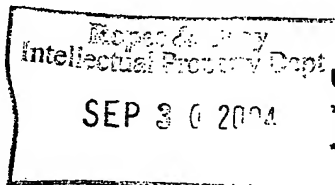


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/692,002	10/24/2003	1644	604	DU-P02-002	32	14	1

28120
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624



CONFIRMATION NO. 2470
UPDATED FILING RECEIPT
OC000000013928469
OC000000013928469

Date Mailed: 09/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mike West, Durham, NC;
Joseph R. Nevins, Chapel Hill, NC;

Power of Attorney: The patent practitioners associated with Customer Number 28120.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/458,373 03/24/2003 03/23/2003
and claims benefit of 60/457,887 03/26/2003 * 03/27/2003
and claims benefit of 60/448,461 02/21/2003
and claims benefit of 60/448,462 02/21/2003
and claims benefit of 60/425,256 11/12/2002
and claims benefit of 60/424,701 11/08/2002
and claims benefit of 60/420,729 10/24/2002
and claims benefit of 60/421,102 10/25/2002
and claims benefit of 60/421,062 10/25/2002
and claims benefit of 60/424,718 11/08/2002
and claims benefit of 60/424,715 11/08/2002

(*)Data provided by applicant is not consistent with PTO records.

Ropes & Gray**Symbol #:** DU-P02-002**Action Due:** Review Updated Filing Receipt**Deadline(s):** 14 Oct 2004 / 28 Oct 2004**Foreign Applications**

If Required, Foreign Filing License Granted: 02/02/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,

US10/692,002**Projected Publication Date:** 01/06/2005**Non-Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ******Title**

Binary prediction tree modeling with many predictors and its uses in clinical and genomic applications

Preliminary Class

436

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Dated:

8/25/04

Signature:

Linda Blake

(Linda Blake)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BINARY PREDICTION TREE MODELING WITH MANY PREDICTORS AND ITS USES
IN CLINICAL AND GENOMIC APPLICATIONS**

the specification of which was filed on October 24, 2003 as Application No. 10/692002.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Ropes & Gray LLP, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/458,373	March 23, 2003	<u>X</u> Yes No <u> </u>
60/457,877	March 27, 2003	<u>X</u> Yes No <u> </u>
60/448,461	February 21, 2003	<u>X</u> Yes No <u> </u>
60/448,462	February 21, 2003	<u>X</u> Yes No <u> </u>
60/425,256	November 12, 2002	<u>X</u> Yes No <u> </u>
60/424,701	November 8, 2002	<u>X</u> Yes No <u> </u>
60/420,729	October 24, 2002	<u>X</u> Yes No <u> </u>
60/421,102	October 25, 2002	<u>X</u> Yes No <u> </u>
60/421,062	October 25, 2002	<u>X</u> Yes No <u> </u>
60/424,718	November 8, 2002	<u>X</u> Yes No <u> </u>
60/424,715	November 8, 2002	<u>X</u> Yes No <u> </u>

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 28120

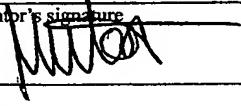
all of Ropes & Gray LLP, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

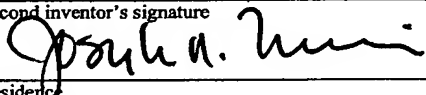
Please mail all correspondence to Ignacio Perez de la Cruz, whose address is:

Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624

Please direct telephone calls to: Ignacio Perez de al Cruz at (212) 497-3613.

Please direct facsimiles to: (212) 497-3650

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Citizenship United States	
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Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	